



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. MSI-160

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare, of my own knowledge or on information and belief, that:

My residence, post office address and country of citizenship are as stated below next to my name;

I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought and which is entitled:

**HANDHELD DEVICE HAVING ULTRASONIC TRANSDUCER FOR AXIAL
TRANSMISSION OF ACOUSTIC SIGNALS**

and which is described and claimed:

- in the attached application including specification and claims if this line is marked, or
- in the original specification and claims filed on July 22, 2003 as U.S. Patent Application Number 10/625,482.

I have reviewed and understand the contents of the specification and the claims;

I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR §1.56(a). The text of 37 CFR §1.56(a) states,

"A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed

by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Provisional Application No.: 60/397,579

Filing Date: July 22, 2002

Provisional Application No.: 60/453,322

Filing Date: March 10, 2003

This application is a continuation pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No.:

U.S. Filing Date: _____

Status:

This application is a continuation-in-part pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No.:

U.S. Filing Date: _____

Status:

and I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority, pursuant to 35 USC §119(a)-(d) of an application for patent or inventor's certificate, and identify below said application (if any is identified) and any such foreign application (if any is identified) having a filing date before that of the application on which foreign priority is claimed;

Application No: _____ Country:

Filing Date:

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and I am warned that willful false statements and the like are punishable by fine or imprisonment, or both, (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint any attorney associated with Customer No. 28581 or their duly appointed associate, my attorneys or agents with full powers of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Direct all correspondence to the address:

The Address Associated with Customer No. 28581

Minoru Toda

Full Name of First Inventor

Minoru Toda 3/22/04

Inventor's Signature Date

USA / 135 Gedney Road, Lawrenceville, NJ 08648

Citizenship / Residence

135 Gedney Road, Lawrenceville, NJ 08648

Post Office Address

PTN\44195.1